

Board of Supervisors  
December 7, 2021  
9:30 AM

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Not Present: Manny Ruiz, Chairman; Present: Bruce Bracker, Vice-Chairman; Rudy Molera, Member (Not Present); Jennifer St. John, County Manager; Jim D 'Antonio, Civil County Attorney; Lizbeth Tolano, Deputy Clerk of the Board.

### **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Led by Frank Dillon

Chairman Ruiz called for a minute of silence in memory of Adelmo Sandoval.

### **ADOPTION OF AGENDA**

Chairman Ruiz made a motion to adopt the Agenda removing action items H2 & H9 and tabling H10 & H13 for the 12/21/2021 meeting and to deviate from the Agenda sequence as necessary; seconded by Vice-Chairman Bracker; motion carried unanimously. (Ayes: Bracker, Ruiz)

### **CALL TO THE PUBLIC:**

Jim Palmer, from Community Broadband Advocates, briefed the Board on the status and progress of county broadband.

Chairman Ruiz, welcomed Angela Gervasi, the new Nogales International reporter.

Mary Dahl, Special Projects, updated the Board on the CARES Act funding program.

Jeff Terrell, Health Services Director, briefed the Board on the process of the vaccination in the county.

### **CURRENT EVENTS**

#### **1. BOARD OF SUPERVISORS**

**VICE-CHAIRMAN BRACKER** had nothing to report.

**CHAIRMAN RUIZ** reported he had attended the Fall Board of Directors for NACo; he will be attending the Small Counties and CSA meetings via Zoom; he reminded the community of the importance of getting vaccinated.

#### **2. MANAGER**

**JENNIFER ST. JOHN, COUNTY MANAGER**, reported she and Mauricio had priced the bonds for the unfunded PSPRS liability; she attended Small Counties and CSA Board of Directors meetings via zoom; had a meeting with Schools, Health Dept. and Mariposa Community Health Center regarding keeping the schools safe from COVID; Supervisor Molera and her met with ADEQ & ADOT on the I19 paving.

### **DEPARTMENT REPORTS AND ACTIVITIES**

Mauricio Chavez, Administrative Services Department Director, reported \$16,386,079.35 in the General Fund, of which \$10,287,045.57 is invested; \$2,037,752.83 in the Road Fund, of which \$815,312.88 is invested; \$2,317,709.19 in the Flood Control District Fund, of which \$1,862,342.26 is invested; \$2,490,126.40 in the Jail District Fund, of which \$1,001,919.67 is invested; \$41,231,540.50 total for all funds, of which \$15,781,198.18 is invested; \$12,972,142.64 estimated end of month balance, compared to \$6,142,645.39 cash at December 2020, a difference of \$ 6,829,497.25.

Vice-Chairman Bracker made a motion to recess the Regular Meeting to convene the Flood Control District Board seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

### **FLOOD CONTROL**

**1. DIRECTOR'S/PROJECT REPORT**

Submitted in writing.

**2. MONTHLY REPORT FROM CITY OF NOGALES**

No report.

**3. MONTHLY REPORT FROM THE TOWN OF PATAGONIA**

No report.

**4. PUBLIC COMMENT**

No public comment.

The Board adjourned as the Flood Control District Board and convened into the Regular Meeting. (Motion: Vice-Chairman Bracker; second: Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Ruiz)

**ACTION ITEMS**

**1. PRESENTATION ON THE SANTA CRUZ COUNTY CASE MANAGEMENT TRANSITION TO AREA AGENCY ON AGING CASE MANAGEMENT BY SEAGO-AREA AGENCY ON AGING (REQ: LAURA VILLA)**

Presented by Laura Villa

**3. DISCUSSION/POSSIBLE ACTION TO APPROVE THE APPOINTMENT OF JORDAN COX AS PLANNING AND ZONING COMMISSION MEMBER FOR DISTRICT NO. 3 (REQ: VICE-CHAIRMAN BRACKER)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**4. DISCUSSION/POSSIBLE ACTION TO APPROVE THE APPOINTMENT OF DEIRDRE ESHLEMAN AS JUDGE PRO TEMPORE TO SERVE IN THE JUSTICE COURT FROM 11/01/2021 THROUGH 10/31/2022 (REQ: SUPERIOR COURT)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**5. DISCUSSION/POSSIBLE ACTION FOR AUTHORIZATION TO FILL IN:**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

Vice-Chairman Bracker asked if the positions were budgeted under the general fund or funded by grants.

County Manager confirmed.

**A VACANT ADULT PROBATION OFFICER POSITION (REQ: PROBATION)**

**B VACANT APPRAISER II POSITION (REQ: ASSESSOR)**

**C VACANT APPRAISER ASSISTANT POSITION (REQ: ASSESSOR)**

**D ENVIRONMENTAL HEALTH SPECIALIST II (REQ: HEALTH SERVICES)**

**6. DISCUSSION/POSSIBLE ACTION TO APPROVE INTERGOVERNMENTAL AGREEMENT CONTRACT NO. CTR057221 FOR COVID-19 ENHANCED DETECTION EXPANSION WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES FROM 03/01/2022 THROUGH 05/01/2023 IN THE AMOUNT OF \$750,798 (REQ: HEALTH SERVICES)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

Chairman Ruiz asked if the IGA is grant-funded.

Vice-Chairman Bracker asked if additional staff would be hired.  
Jeff Terrel stated this was a continuation of COVID tracing.

**7. DISCUSSION/POSSIBLE ACTION TO APPROVE MEMORANDUM OF UNDERSTANDING #2021-119 WITH THE STATE OF ARIZONA THROUGH ITS DEPARTMENT OF PUBLIC SAFETY REGARDING A.R.S. § 41-1724 FOR STRICT ENFORCEMENT OF IMMIGRATION, HUMAN SMUGGLING, DRUG SMUGGLING, GANGS, AND EMPLOYER SANCTION LAWS IN THE AMOUNT OF \$250,000 (REQ: SHERIFF)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

Chairman Ruiz asked if the County would get involved in the immigration business.

County Manager explained this was supplementing some of the activities that the county already does, but it was her understanding the county was not going to get involved with federal immigration unless a problem arises within the county, then the Sheriff's Department assists.

Chairman Ruiz thanked County Manager for the clarification.

**8. DISCUSSION/POSSIBLE ACTION TO APPROVE THE FY2022 VICTIMS' RIGHTS PROGRAM GRANT WITH THE OFFICE OF THE ATTORNEY GENERAL A.G. # 2022-013 IN THE AMOUNT OF \$17,122.00 (REQ: COUNTY ATTORNEY)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**11. DISCUSSION/POSSIBLE ACTION: RECOMMENDATION OF APPROVAL OF APPLICATIONS FOR REMOTE TASTING ROOM FOR SUNSET RIDE LLC, SONOITA (REQ: CLERK)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**12. DISCUSSION/POSSIBLE ACTION: RECOMMENDATION OF APPROVAL OF APPLICATION FOR LIQUOR LICENSE FOR NAJAR CELLARS IN SONOITA (REQ: CLERK)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**13. DISCUSSION/POSSIBLE ACTION TO APPROVE BOND FOR DUPLICATE WARRANT #4-668497 IN THE AMOUNT OF \$4,885.00 DATED 06/07/2021 PAYABLE TO ESPARK LEARNING (REQ: CLERK)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**14. TAX VALUATION ADJUSTMENTS: (REQ: ASSESSOR)**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**A 105-08-014-D - STOLLER ELIZABETH D. & ESCALANTE BARBARA M., RESOLUTION NO. 56263**

**B 105-08-014-D - STOLLER ELIZABETH D. & ESCALANTE BARBARA M., RESOLUTION NO. 56264**

**C 112-11-282 - BOLAINA JUAN ALBERTO & HERNANDEZ VERONICA P., RESOLUTION NO. 56265**

**D 109-34-067-B - THIESSEN DONALD ALAN TR 99% & THIESSEN MADELYN JANE 1%, THE DONALD ALAN THIESSEN TRUST, RESOLUTION NO. 56266**

**E 115-01-454 - CASTAGNOLA GREGORY J. & PEARL, RESOLUTION NO. 56267**

**F 115-03-307 - CASTAGNOLA GREGORY J. & PEARL, RESOLUTION NO. 56268**

**16. APPROVAL OF MINUTES: 11/16/2021 & 11/23/2021**

Vice-Chairman Bracker made a motion to approve, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**17. DEMANDS**

were approved in the total amount of \$2,160,914.50, of which \$384,645.11 is from the General Fund. Details of these expenditures are available for inspection during working hours and are to be considered as part of these minutes. (motion: Vice-Chairman Bracker; second: Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Ruiz)

Vice-Chairman Bracker made a motion to recess the Regular Meeting to convene the Study Session seconded by Chairman Ruiz ; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**STUDY SESSION**

**1. PRESENTATION ON AMERICAN RESCUE PLAN ACT OF 2021 DIRECT ASSISTANCE FOR LOCAL GOVERNMENTS - PROPOSED SMALL BUSINESS & NONPROFIT FUNDS DISTRIBUTION STRATEGY FOR SANTA CRUZ COUNTY BY DONELSON CONSULTING LLC (REQ: COUNTY MANAGER)**

Introduction: Jennifer St. John, County Manager

Presented by: Angie Donelson

Comments: Chairman Ruiz, Vice-Chairman Bracker, Jennifer St. John, County Manager & Mary Dahl, Special Projects

The Board adjourned the Study Session and convened into the Regular Meeting. (Motion: Vice-Chairman Bracker; second: Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Ruiz)

Vice-Chairman Bracker made a motion to recess the Regular Meeting to convene the Executive Session seconded by Chairman Ruiz ; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**EXECUTIVE SESSION**

**1. PURSUANT TO A.R.S. § 38-431.03(A)(3) AND (4), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE REGARDING NOTICE OF CLAIM MADE BY SHOW BASEBALL, INC. DATED NOVEMBER 22, 2021 (REQ: COUNTY ATTORNEY)**

**2. PURSUANT TO A.R.S. § 38-431.03(A)(3) AND (4), DISCUSSION AND CONSULTATION FOR LEGAL ADVICE REGARDING NOTICE OF CLAIM AND LAWSUIT BY OROZCO INVESTMENT COMPANY AND OTHER DEFENDANTS AND A RELATED FILED INTERPLEADER ACTION (REQ: COUNTY ATTORNEY)**

The Board adjourned Executive Session and convened into the Regular Meeting. (Motion: Vice-Chairman Bracker; second: Chairman Ruiz; motion carried unanimously) (Ayes: Bracker, Ruiz)

**ACTION ITEMS (continued)**

**18. DISCUSSION/POSSIBLE ACTION REFERENCE LEGAL ADVICE AND/OR DIRECTION REGARDING NOTICE OF CLAIM MADE BY SHOW BASEBALL, INC. DATED NOVEMBER 22, 2021 (REQ: COUNTY ATTORNEY)**

Vice-Chairman Bracker made a motion to direct counsel to send the proposed letter with appropriate edits and deal as necessary by legal counsel to counsel of Show Baseball Inc, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**19. DISCUSSION/POSSIBLE ACTION TO RATIFY THE FILED INTERPLEADER AGAINST OROZCO INVESTMENT COMPANY AND OTHER DEFENDANTS AND FOR LEGAL ADVICE OR DIRECTION REGARDING THE INTERPLEADER OF THE FUND (REQ: COUNTY ATTORNEY)**

Vice-Chairman Bracker made a motion to ratify the interpleader action filed and authorize the Treasurer to transfer the funds to the court, seconded by Chairman Ruiz; the motion carried unanimously. (Ayes: Bracker, Ruiz)

**ADJOURNMENT**

The meeting adjourned at 11:50 a.m. (motion: Vice-Chairman Bracker; second: Chairman Ruiz ; motion carried unanimously) (Ayes: Bracker, Ruiz)